

ESTTA Tracking number: **ESTTA667045**

Filing date: **04/16/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92060856
Party	Plaintiff Michelle Mackellar
Correspondence Address	DANIEL C MAROTTA GABOR & MAROTTA LLC 1878 VICTORY BOULEVARD STATEN ISLAND, NY 10314 UNITED STATES dan@gabormarottalaw.com
Submission	Answer to Counterclaim
Filer's Name	Daniel C. Marotta
Filer's e-mail	dan@gabormarottalaw.com
Signature	/Daniel C. Marotta/
Date	04/16/2015
Attachments	Response to Counterclaims.pdf(50254 bytes ) Affirmation of Service.pdf(23284 bytes )

1. Petitioner denies the allegations contained in paragraph 14.
2. Petitioner admits that Petitioner submitted a specimen with its statement of use to obtain registration.
3. Petitioner admits the allegations contained in paragraph 16.
4. Petitioner admits the allegations contained in paragraph 17.
5. Petitioner admits the allegations contained in paragraph 18.
6. Petitioner admits the allegations contained in paragraph 19.
7. Petitioner denies the allegations contained in paragraph 20.
8. Petitioner denies the allegations contained in paragraph 21.
9. Petitioner admits the allegation contained in paragraph 22.

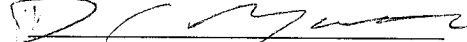
10. Petitioner denies the allegations contained in paragraph 23.
11. Petitioner denies knowledge or information sufficient to form a belief as to the the allegations contained in paragraph 24.
12. Petitioner denies the allegations contained in paragraph 25.
13. Petitioner denies the allegations contained in paragraph 26.

**WHEREFORE**, Petitioner prays that its Petition to Cancel be sustained and granted in favor of Petitioner, that Registrant's counterclaim be denied in its entirety, and that Registration No. 4,474,949 be cancelled and removed from the Principal Register.

Dated: Staten Island, New York  
April 13, 2015

Respectfully Submitted,

**GABOR & MAROTTA LLC**



By: Daniel C. Marotta, Esq.

*Attorneys for Petitioner*

1878 Victory Boulevard

Staten Island, New York 10314

(718) 390-0555

**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Registration No. 4,544,757  
Mark: So T

Registration Date: June 3, 2014

MICHELLE MACKELLAR

Petitioner,

v.

SOTEA, LLC

Registrant.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

Cancellation No.92060856

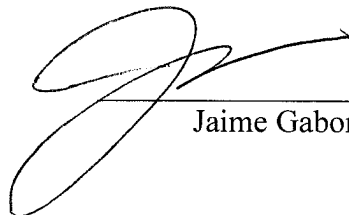
**AFFIRMATION OF SERVICE**

JAIME GABOR., an attorney duly admitted to practice before the Courts of the State of New York, hereby affirms the following under the penalties of perjury:

That on April 16, 2015, I served the within Answer to Counterclaim upon:

Epiphany Law  
4211 North Lightning Drive  
Appleton, WI 54913  
Attn: Christopher S. Snyder, Esq.  
csnyder@epiphanylaw.com

by electronic mail and by depositing same in a pre-paid envelope, properly addressed to the recipient with an official depository under the exclusive care and custody of the United States Post Office within New York State.

  
Jaime Gabor